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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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AUDREY McNAMARA NEVIS,

Plaintiff,

vs.

WELLS FARGO BANK, EXECUTIVE FINANCIAL
LENDING, INC., JOHN B. SPEAR, SHAI MOSHE,
GATEWAY TITLE COMPANY., NC CAPITAL
CORP., CARRINGTON SECURITIES, LP.,
CARRINGTON MORTGAGE LOAN TRUST, SERIES
2006-NC4, STANWICH ASSET ACCEPTANCE
COMPANY, LLC AND DOES 5 - 100, inclusive,

Defendants.

Case No. C 07 - 2568 MHP

JOINT STATUS REPORT

Date: 7/28/08

Time: 3:00 p.m.

Judge: Hon. Marilyn H. Patel

Courtroom: 15

INTRODUCTION

Since the last status conference, Plaintiff Audrey McNamara Nevis has filed and served a second amended complaint and defendant and cross-defendant John Spear has answered and filed both a counter claim and a third party complaint which names seven additional new parties who have yet to be served. This has changed the procedural posture of the case as the new parties named by defendant Spear have yet to appear.

1 **1. Status of the Pleadings and Parties**

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3 Plaintiff's second amended complaint has been served on all named defendants except for
4 Shai Moshe, who has not been located, and N.C. Capital Corp, which is in bankruptcy.
5 Defendants Carrington Securities LP, Carrington Mortgage Loan Trust, Series 2006-NC4 and
6 Stanwich Asset Acceptance Company, LLC will answer prior to the Status Conference.
7 Defendant John Spear has answered the first amended complaint and counsel have stipulated that
8 his answer may be deemed the answer to the second amended complaint. Defendant Spear filed a
9 third party claim naming seven new parties. Each of these new parties played a crucial role in the
10 loan transaction at issue and Plaintiff intends to amend her complaint to add them as defendants
11 and would seek leave to do so.

13 **2. Initial Disclosures**

15 Plaintiff and defendants Gateway Title Company and Wells Fargo Bank have served their
16 initial disclosures. Defendant Spear has not served his initial disclosure and apparently has no
17 documents.

19 **3. Alternative Dispute Resolution**

21 The parties participated in an initial settlement conference with Magistrate Judge John
22 Larson on Jun 24, 2008. Judge Larson intends to continue to work with the parties to attempt to
23 resolve the matter.

25 **5. Discovery and Trial Proceedings**

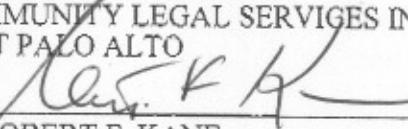
26 No discovery other than the initial disclosures have been propounded. Discovery should
27 be stayed until all parties have appeared. It would appear to be premature to set a trial date until
28

1 all parties have appeared. In the event that the court is inclined to set a trial date, the parties
2 would request that the date be set at least one year from now with a status conference to be held
3 within ninety (90) days to afford all parties an opportunity to be involved in a proposed pretrial
4 schedule.

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6 DATED: July 21, 2008

Respectfully submitted,

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LAW OFFICES OF ROBERT KANE
LEGAL AID OF MARIN
COMMUNITY LEGAL SERVICES IN
EAST PALO ALTO

BY: 

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Attorney for Defendant
JOHN SPEAR

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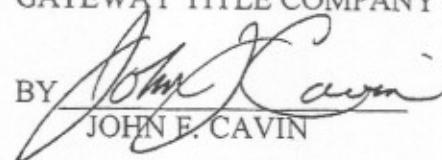
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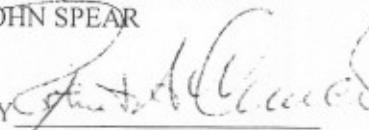
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21 Attorney for Defendant

22 JOHN SPEAR

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